

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-40 are pending in the present application. Claims 1, 3, 4, 7, 10, 11, 13, 16 and 18-40 are amended by the present amendment.

In the outstanding Office Action, Claims 1-40 were objected to; Claims 1-40 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-8, 10-13, 15-17, 19-27, 29-32, 34, 35 and 37-40 were rejected under 35 U.S.C. § 102(b) as anticipated by Cupps et al. (herein "Cupps"); Claims 9 and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cupps; and Claims 14, 18, 33 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cupps in view of U.S. Patent No. 6,064,980 to Jacobi et al. (herein "Jacobi").

Regarding the objection to claims and the rejection of claims under 35 U.S.C. § 112, second paragraph, Claims 1, 3, 4, 7, 10, 11, 13, 16 and 18-40 are amended to more clearly recite the claimed invention, in light of comments in the outstanding Office Action. Accordingly, Applicants respectfully request the objection and rejection of Claims 1-40 be withdrawn.

Claims 1-8, 10-13, 15-17, 19-27, 29-32, 34, 35 and 37-40 were rejected as anticipated by Cupps; Claims 9 and 28 were rejected as unpatentable over Cupps; and Claims 14, 18, 33 and 36 were rejected as unpatentable over Cupps in view of Jacobi. Applicants respectfully traverse those rejections in view of the following comments.

Claim 1 is directed to a purchase promotion server system that, *inter alia*, stores electronic goods or services information for each user, automatically judges a user state according to state data including a location information, and automatically sends an urging or

reminding message to the user via a network according to the user state. Independent Claims 20, 39 and 40 include similar features.

In other words, in the claimed invention, the user is automatically urged or reminded to purchase the goods or services that are scheduled to be purchased or desired to be purchased by this purchase promotion server system whenever the system judges that the user is in a state (at a location) that is fit to purchase these goods or services.

In contrast, Cupps only discloses an online ordering machine that provides the customer with production information from vendors selected according to the customer's location, and accepts orders from the customer. In Cupps, the customer is required to enter the request first, and then the online ordering machine generates the customized menu web page according to the customer's request (see col. 8, lines 43-55). Also, in the ordering process, the customer is required to fill out information requested through the web pages (see col. 9, lines 48-50). In other words, Cupps only discloses an interactive system that requires the user to manually carry out an operation to make access just like the conventional location information contents service described in the present specification (see page 3, lines 9-20).

It should be apparent that Cupps' online ordering machine has no function of storing user specific information on goods or services that are scheduled or desired to be purchased by each user. In fact, Cupps' online ordering machine only has the order database and the menu file system for storing various data on each vendor from which data are selected according to the customer's request to generate the customized menu web page, but the stored data themselves are not user specific (see col. 8, line 56 to col. 9, line 7). Thus, Cupps fails to teach or suggest "a user information database configured to store electronic goods or services information indicating goods or services scheduled to be purchased or goods or services desired to be purchased, for each user," as recited in Claim 1 and as similarly recited in independent Claims 20, 39 and 40.

Cupps' online ordering machine also has no function for automatically judging the user state regarding whether the user is fit to purchase goods or services. In fact, in Cupps, it is the customer who initiates the operation of the online ordering machine whenever the customer wishes to make an order, and it is the customer who enters the current location and the current time (see col. 9, line 50-55), so that the online ordering machine itself is not automatically judging any user state. Thus, Cupps actually fails to teach or suggest "a user state judgement unit configured to judge a user state regarding whether the user is fit to purchase goods or services, according to state data including a location information of the user," as recited in Claim 1 and as similarly recited in independent Claims 20, 39 and 40.

Cupps' online ordering machine also has no function for automatically sending a message for urging or reminding the purchase of specific goods or services to the user via a network according to the user state. At col. 11, lines 20-34, Cupps only describes the notification of the status of an order that is accepted through the ordering process as a confirmation to the customer, so that this notification has no function of urging or reminding the purchase of specific goods or services to the customer. Thus, Cupps actually fails to teach or suggest "a user notification unit configured to send a message urging or reminding the user to purchase the goods or services scheduled to be purchased or the goods or services desired to be purchased indicated by the electronic goods or services information stored by the user information database unit, to the user via a network according to the user state judged by the user state judgement unit," as recited in Claim 1 and as similarly recited in independent Claims 20, 39 and 40.

Accordingly, Applicants respectfully submit that independent Claims 1, 20, 39 and 40, and claims depending therefrom, patentably define over Cupps.

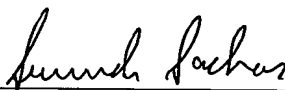
Further, Claims 14 and 18 depend on independent Claim 1 and Claims 33 and 36 depend on independent Claim 20, and Claims 1 and 20 are believed to patentably define over Cupps. Further, Applicants respectfully submit that Jacobi also does not teach or suggest features of the independent claims.

Accordingly, Applicants respectfully submit that independent Claims 1, 20, 39 and 40, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

EHK:ZSS:dnf  
I:\ATTY\ZS\21'S\211\211371US\211371US-AM.DOC

**Surinder Sachar**  
**Registration No. 34,423**